

COMMITTEE OF THE WHOLE  
HOUSE.

On motion of Mr. Johnson of Dimmit, the House, at 2:05 o'clock p. m., resolved itself into a Committee of the Whole House for the purpose of considering penitentiary matters.

(In Committee of the Whole House. Mr. Barron in the chair.)

## IN THE HOUSE.

(Mr. Barron in the chair.)

Mr. Barron, Chairman of the Committee of the Whole House, reported to the House that the Committee desired to rise, report progress and ask leave to sit again at 9:30 o'clock a. m. tomorrow.

The House adopted the report.

RESOLUTION SIGNED BY THE  
SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and its caption had been read, the following enrolled resolution:

S. C. R. No. 7, Relative to automobile license fees along the boundary between Texas and Louisiana.

## HOUSE BILL ON FIRST READING.

The following House bill, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. McDonald:

H. B. No. 17, A bill to be entitled "An Act fixing the salaries of judges of the Supreme Court, of the Court of Criminal Appeals, of the judges of the Commission of Appeals and of the Commission in Aid of the Court of Criminal Appeals, and judges of the Courts of Civil Appeals and district courts of the State, and declaring an emergency."

Referred to Committee on State Affairs.

## ADJOURNMENT.

Mr. Keller moved that the House recess to 9:29 o'clock a. m. tomorrow.

Mr. Tillotson moved that the House adjourn until 9:29 o'clock a. m. tomorrow.

The motion of Mr. Tillotson prevailed, and the House, accordingly, at 7 o'clock p. m., adjourned until 9:29 o'clock a. m. tomorrow.

## NINTH DAY.

(Wednesday, February 5, 1930.)

The House met at 9:29 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Barron.

The roll was called and the following members were present:

Mr. Speaker.	Johnson of Scurry.
Acker.	Jones.
Ackerman.	Justiss.
Adkins.	Kayton.
Albritton.	Keeton.
Allred.	Keller.
Anderson.	Kemble.
Avis.	Kennedy.
Baker.	Kincaid.
Baldwin.	King.
Barnett.	Kinnear.
Bateman.	Land.
Beck.	Lee.
Bond.	Lemens.
Bounds.	Long of Wichita.
Bradley.	Loy.
Brice.	Magee.
Brooks.	Mankin.
Carpenter.	Marks.
Chastain.	Martin.
Coltrin.	Mauritz.
Cox of Lamar.	Maynard.
Cox of Limestone.	McCombs.
Davis.	McDonald.
DeWolfe.	McGill.
Dunlap.	Mehl.
Duvall.	Metcalfe.
Enderby.	Minor.
Eickenroht.	Montgomery.
Farrar.	Moore.
Forbes.	Morse.
Fuchs.	Mosely.
Gates.	Mullally.
Gilbert.	Murphy.
Giles.	Negley.
Graves	Nicholson.
of Williamson.	Olsen.
Graves of Erath.	Palmer.
Hardy.	Patterson.
Harding.	Pavlica.
Harman.	Petsch.
Harper.	Pool.
Harrison.	Pope of Jones.
Heaton.	Pope of Nueces.
Hines.	Purl.
Hogg.	Quinn.
Holder.	Ray.
Hopkins.	Reader.
Hornaday.	Renfro.
Hubbard.	Richardson.
Jenkins.	Riley.
Johnson	Rogers.
of Dallam.	Rountree.
Johnson	Sanders.
of Dimmit.	Savage.
Johnson of Smith.	Shaver.

Shelton.	Wallace.
Sherrill.	Walters.
Simmons.	Warwick.
Sinks.	Webb.
Snelgrove.	West.
Speck.	Westbrook.
Stephens.	Wiggs.
Stevenson.	Williams
Storey.	of Sabine.
Tarwater.	Williams
Tillotson.	of Hardin.
Turner.	Williams
Van Zandt.	of Travis.
Veatch.	Woodruff.
Waddell.	Young.

Absent.

Hefley.	Reid.
O'Neill.	Thompson.

Absent—Excused.

Conway.	Long of Houston.
Ewing.	McKean.
Finn.	Prendergast.
Finlay.	Strong.
Kenyon.	

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain.

## LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Prendergast for today and the balance of the week, on motion of Mr. Hines.

Mr. Long of Houston for today, on motion of Mr. Palmer.

Mr. Kenyon for today, on motion of Mrs. Moore.

The following members were granted leaves of absence on account of illness:

Mr. Finn for today and the balance of the week, on motion of Mr. Woodruff.

Mr. McKean for today and the balance of the week, on motion of Mr. Shelton.

Mr. Conway was granted leave of absence for today and tomorrow on account of the death of his brother, on motion of Mr. Gilbert.

Mr. Finlay was granted leave of absence for today, on account of death in his family, on motion of Mr. Lee.

## EXTENDING SYMPATHY TO HON. VIRGIL CONWAY.

Mr. Gilbert offered the following resolution:

Whereas, Our esteemed colleague and fellow member, Hon. Virgil Conway,

has been called away for the purpose of attending the funeral of his brother, Mr. A. P. Conway, at Rising Star, Texas; therefore, be it

Resolved, That the House of Representatives extend to Mr. Conway its sincere sympathy and condolence in his sad bereavement.

Signed—Gilbert, Barron, Coltrin, Cox of Lamar, Williams of Sabine, Acker, Ackerman, Adkins, Albritton, Allred, Anderson, Avis, Baker, Baldwin, Barnett, Bateman, Beck, Bond, Bounds, Bradley, Brice, Brooks, Carpenter, Chastain, Conway, Cox of Limestone, Davis, DeWolfe, Dunlap, Duvall, Enderby, Ewing, Eickenroht, Farrar, Finn, Finlay, Forbes, Fuchs, Gates, Giles, Graves of Williamson, Graves of Erath, Hardy, Harding, Harman, Harper, Harrison, Heaton, Hefley, Hines, Hogg, Holder, Hopkins, Hornaday, Hubbard, Jenkins, Johnson of Dallam, Johnson of Dimmit, Johnson of Smith, Johnson of Scurry, Jones, Justiss, Kayton, Keeton, Keller, Kemble, Kennedy, Kenyon, Kincaid, King, Kinnear, Land, Lee, Lemens, Long of Houston, Long of Wichita, Loy, Magee, Mankin, Marks, Martin, Mauritz, Maynard, McCombs, McDonald, McGill, McKean, Mehl, Metcalfe, Minor, Montgomery, Moore, Morse, Mosely, Mullally, Murphy, Negley, Nicholson, Olsen, O'Neill, Palmer, Patterson, Pavlica, Petsch, Pool, Pope of Jones, Pope of Nueces, Prendergast, Purl, Quinn, Ray, Reader, Reid, Renfro, Richardson, Riley, Rogers, Rountree, Sanders, Savage, Shaver, Shelton, Sherrill, Simmons, Sinks, Snelgrove, Speck, Stephens, Stevenson, Storey, Strong, Tarwater, Thompson, Tillotson, Turner, Van Zandt, Veatch, Waddell, Wallace, Walters, Warwick, Webb, West, Westbrook, Wiggs, Williams of Hardin, Williams of Travis, Woodruff, Young.

The resolution was read second time.

Mr. Purl moved that the names of all members of the House of Representatives be added to the resolution as signers of the resolution.

The motion prevailed.

Question then recurring on the resolution, it was adopted by a rising vote.

## TO SUSPEND CERTAIN RULE.

Mr. Keller moved that the House rule relating to the daily order of business which requires a resolution period be suspended at this time.

The motion prevailed by the following vote:

## Yeas—100.

Acker.	McCombs.
Ackerman.	McDonald.
Allred.	Minor.
Baker.	Montgomery.
Baldwin.	Moore.
Bateman.	Mosely.
Beck.	Murphy.
Bounds.	Negley.
Bradley.	Nicholson.
Brice.	Olsen.
Brooks.	Palmer.
Carpenter.	Patterson.
Chastain.	Pavlica.
Coltrin.	Petsch.
Davis.	Pope of Nueces.
DeWolfe.	Purl.
Enderby.	Quinn.
Farrar.	Reader.
Forbes.	Richardson.
Fuchs.	Riley.
Gates.	Rogers.
Graves	Rountree.
of Williamson.	Sanders.
Graves of Erath.	Savage.
Hardy.	Shaver.
Harman.	Shelton.
Heaton.	Sherrill.
Hines.	Simmons.
Hogg.	Sinks.
Hopkins.	Snelgrove.
Hornaday.	Speck.
Hubbard.	Stephens.
Jenkins.	Stevenson.
Johnson	Storey.
of Dallam.	Turner.
Johnson	Van Zandt.
of Dimmit.	Veatch.
Johnson of Smith.	Waddell.
Johnson of Scurry.	Wallace.
Jones.	Walters.
Keeton.	Warwick.
Keller.	Webb.
Kincaid.	West.
King.	Westbrook.
Kinnear.	Wiggs.
Land.	Williams
Lee.	of Sabine.
Lemens.	Williams
Magee.	of Hardin.
Mankin.	Williams
Marks.	of Travis.
Martin.	Woodruff.
Maynard.	Young.

## Nays—10.

Bond.	Justiss.
Cox of Lamar.	Kennedy.
Cox of Limestone.	Pool.
Gilbert.	Ray.
Holder.	Renfro.

## Absent.

Mr. Speaker.	Anderson.
Adkins.	Avis.

Barnett.	Loy.
Dunlap.	Mauritz.
Duvall.	McGill.
Eickenroht.	Mehl.
Giles.	Metcalfe.
Harding.	Morse.
Harper.	Mullally.
Harrison.	O'Neill.
Hefley.	Reid.
Kayton.	Tarwater.
Kemble.	Thompson.
Long of Wichita.	Tillotson.

## Absent—Excused.

Albritton.	Long of Houston.
Conway.	McKean.
Ewing.	Pope of Jones.
Finn.	Prendergast.
Finlay.	Strong.
Kenyon.	

COMMITTEE OF THE WHOLE  
HOUSE.

Mr. Keller made the following motion:

I move that the House resolve into a Committee of the Whole for the purpose of considering the penitentiary matter; and pending that motion I move when the House shall resolve itself into Committee of the Whole the general debate be closed at 10:30, and the Committee be further instructed to report the bills without recommendation.

The motion prevailed.

In accordance with the above action, the House resolved itself into a Committee of the Whole House.

(In Committee of the Whole House.  
Mr. Barron in the chair.)

## IN THE HOUSE.

(Mr. Barron in the chair.)

Mr. Barron, Chairman of the Committee of the Whole House, at 10:35 o'clock a. m., reported to the House that the Committee desired to rise and report progress as follows: That the Committee has closed debate on the penitentiary question, and has reported House bills Nos. 1, 2, 3, 5, 8 and 14 back to the House of Representatives without recommendation.

The House adopted the report.

TO SUSPEND CERTAIN HOUSE  
RULE.

Mr. Keller moved that the House rule which relates to the printing of House bills be suspended as far as it relates to House bills Nos. 1, 2, 3, 5, 8 and 14,

these bills having already been printed and laid on the desks of the members, and that the rule requiring bills to be on the members' desks for twenty-four hours be also suspended.

The motion prevailed by the following vote:

Yeas—119.

Mr. Speaker.	Lemens.
Acker.	Long of Wichita.
Ackerman.	Loy.
Adkins.	Magee.
Allred.	Mankin.
Baker.	Marks.
Baldwin.	Martin.
Barnett.	Mauritz.
Bateman.	Maynard.
Beck.	McCombs.
Bounds.	McDonald.
Brice.	McGill.
Brooks.	Mehl.
Carpenter.	Metcalfe.
Chastain.	Minor.
Coltrin.	Montgomery.
Cox of Lamar.	Moore.
Cox of Limestone.	Mosely.
Davis.	Murphy.
DeWolfe.	Negley.
Enderby.	Olsen.
Farrar.	Palmer.
Forbes.	Patterson.
Fuchs.	Pavlica.
Gates.	Petsch.
Gilbert.	Pool.
Giles.	Pope of Nueces.
Graves	Purl.
of Williamson.	Quinn.
Graves of Erath.	Ray.
Hardy.	Reader.
Harding.	Renfro.
Harman.	Richardson.
Harper.	Riley.
Harrison.	Rogers.
Hines.	Rountree.
Hogg.	Sanders.
Holder.	Savage.
Hopkins.	Shaver.
Hubbard.	Shelton.
Jenkins.	Sherrill.
Johnson	Simmons.
of Dallam.	Sinks.
Johnson	Snelgrove.
of Dimmit.	Speck.
Johnson of Smith.	Stephens.
Johnson of Scurry.	Stevenson.
Jones.	Storey.
Justiss.	Tarwater.
Kayton.	Tillotson.
Keeton.	Turner.
Keller.	Van Zandt.
Kemble.	Veatch.
Kincaid.	Waddell.
King.	Wallace.
Kinnear.	Walters.
Land.	Warwick.
Lee.	Webb.

West.  
Westbrook.  
Wiggs.  
Williams  
of Sabine.

Williams  
of Hardin.  
Williams  
of Travis.  
Woodruff.  
Young.

Nays—1.

Kennedy.

Absent.

Anderson.  
Avis.  
Bond.  
Bradley.  
Dunlap.  
Duvall.  
Eickenroht.  
Heaton.

Hefley.  
Hornaday.  
Morse.  
Mullally.  
Nicholson.  
O'Neill.  
Reid.  
Thompson.

Absent—Excused.

Albritton.  
Conway.  
Ewing.  
Finn.  
Finlay.  
Kenyon.

Long of Houston.  
McKean.  
Pope of Jones.  
Prendergast.  
Strong.

#### SPECIAL ORDER SET.

Mr. Keller made the following motion:

I move that House bill No. 8 be set as a special order for 10:45 o'clock a. m. today.

Mr. Sherrill offered the following substitute for the motion by Mr. Keller:

I move that House bill No. 2 be set as special order at 10:45, February 5, 1930.

Question recurring on the substitute motion by Mr. Sherrill, it prevailed by the following vote:

Yeas—106.

Mr. Speaker.  
Acker.  
Ackerman.  
Adkins.  
Allred.  
Avis.  
Barnett.  
Bateman.  
Beck.  
Bond.  
Bounds.  
Brice.  
Brooks.  
Carpenter.  
Chastain.  
Coltrin.  
Cox of Lamar.  
Cox of Limestone.  
Davis.  
DeWolfe.

Dunlap.  
Enderby.  
Eickenroht.  
Farrar.  
Forbes.  
Fuchs.  
Gates.  
Gilbert.  
Giles.  
Graves  
of Williamson.  
Graves of Erath.  
Hardy.  
Harding.  
Harman.  
Harrison.  
Heaton.  
Hines.  
Hogg.  
Holder.

Hopkins.	Patterson.
Hubbard.	Pavlica.
Jenkins.	Petsch.
Johnson	Purl.
of Dallam.	Quinn.
Johnson	Reader.
of Dimmit.	Renfro.
Johnson of Smith.	Richardson.
Justiss.	Riley.
Kayton.	Rogers.
Keeton.	Rountree.
Keller.	Sanders.
Kennedy.	Shaver.
King.	Sherrill.
Kinnear.	Simmons.
Land.	Sinks.
Lee.	Snelgrove.
Lemens.	Speck.
Long of Wichita.	Stephens.
Loy.	Storey.
Magee.	Tarwater.
Mankin.	Turner.
Marks.	Van Zandt.
Mauritz.	Veatch.
Maynard.	Waddell.
McCombs.	Wallace.
McDonald.	Walters.
Metcalfe.	Webb.
Minor.	Wiggs.
Moore.	Williams
Morse.	of Hardin.
Mosely.	Williams
Murphy.	of Travis.
Negley.	Woodruff.
Olsen.	Young.
Palmer.	

## Nays—16.

Baldwin.	Pool.
Harper.	Ray.
Johnson of Scurry.	Savage.
Kincaid.	Shelton.
Martin.	Tillotson.
McGill.	Warwick.
Montgomery.	West.
Nicholson.	Westbrook.

## Present—Not Voting.

Jones.

## Absent.

Anderson.	Mullally.
Baker.	O'Neill.
Bradley.	Pope of Nueces.
Duvall.	Reid.
Hefley.	Stevenson.
Hornaday.	Thompson.
Kemble.	Williams
Mehl.	of Sabine.

## Absent—Excused.

Albritton.	Long of Houston.
Conway.	McKean.
Ewing.	Pope of Jones.
Finn.	Prendergast.
Finlay.	Strong.
Kenyon.	

Question then recurring on the motion as substituted, it prevailed by the following vote:

## Yeas—101.

Mr. Speaker.	Lemens.
Acker.	Long of Wichita.
Ackerman.	Loy.
Adkins.	Magee.
Allred.	Mankin.
Avis.	Marks.
Baldwin.	Martin.
Barnett.	Maynard.
Bateman.	McCombs.
Beck.	Mehl.
Bond.	Metcalfe.
Bounds.	Minor.
Brice.	Montgomery.
Carpenter.	Moore.
Chastain.	Morse.
Cox of Limestone.	Mosely.
DeWolfe.	Murphy.
Dunlap.	Negley.
Enderby.	Palmer.
Eickenroht.	Patterson.
Farrar.	Pavlica.
Forbes.	Petsch.
Fuchs.	Pool.
Gates.	Quinn.
Gilbert.	Reader.
Giles.	Renfro.
Graves	Richardson.
of Williamson.	Rogers.
Graves of Erath.	Rountree.
Harman.	Sanders.
Harper.	Shaver.
Harrison.	Sherrill.
Heaton.	Sinks.
Hines.	Snelgrove.
Hogg.	Speck.
Holder.	Stephens.
Hopkins.	Stevenson.
Hornaday.	Storey.
Jenkins.	Tarwater.
Johnson	Turner.
of Dallam.	Van Zandt.
Johnson	Veatch.
of Dimmit.	Waddell.
Johnson of Smith.	Walters.
Jones.	Warwick.
Justiss.	Webb.
Kayton.	Westbrook.
Keeton.	Wiggs.
Keller.	Williams
Kennedy.	of Hardin.
King.	Woodruff.
Kinnear.	Young.
Lee.	

## Nays—16.

Coltrin.	McGill.
Davis.	Nicholson.
Johnson of Scurry.	Purl.
Kemble.	Ray.
Kincaid.	Riley.
Mauritz.	Savage.

Shelton.  
Tillotson.

Wallace.  
West.

Absent.

Anderson.  
Baker.  
Bradley.  
Brooks.  
Cox of Lamar.  
Duvall.  
Hardy.  
Harding.  
Hefley.  
Hubbard.  
Land.  
McDonald.

Mullally.  
Olsen.  
O'Neill.  
Pope of Nueces.  
Reid.  
Simmons.  
Thompson.  
Williams  
of Sabine.  
Williams  
of Travis.

Absent—Excused.

Albritton.  
Conway.  
Ewing.  
Finn.  
Finlay.  
Kenyon.

Long of Houston.  
McKean.  
Pope of Jones.  
Prendergast.  
Strong.

#### HOUSE BILL NO. 2 ON SECOND READING.

The Speaker then laid before the House, as a special order for this hour, on its second reading and passage to engrossment,

H. B. No. 2, A bill to be entitled "An Act relating to the prison system of Texas, and providing for the rehabilitation, renovation and concentration of the prison system of the State of Texas on the present site of the central prison and walls in the city of Huntsville, in Walker county, Texas."

The bill was read second time.

Mr. Beck offered the following amendment to the bill:

Amend House bill No. 2 by cutting out all of Sections 1 and 2 on pages 2 and 3, lines 23 on page 2 to line 17 on page 3, inclusive, and insert in lieu thereof the following:

Sec. 2. The Texas Prison Commission shall purchase for a new prison site approximately one thousand (1000) acres of land, which land shall be located within approximately twenty (20) miles of the city of Austin, Texas. Said land shall be so situated as to make available for the use of the said prison system adequate transportation facilities both by railroad and highway, also available for said system adequate electrical and gas facilities; also available gravel and sand deposits and rock quarries; such location shall also be where there are available sufficient agricultural and grazing lands to permit the growing of vegetables on a large scale, and the conduct

of a dairy adequate to supplying all the dairy products to the prison system and the eleemosynary institutions; and where there is adequate water supply.

Sec. 3. Said Commission shall construct a modern fireproof penitentiary plant on the unit plan, sufficient for the needs of the penitentiary system of Texas, as hereinafter provided; and shall provide same with all needed equipment; said plant shall be of sufficient size to house not less than fifteen hundred (1500) prisoners, and shall contain within its walls approximately fifty (50) acres of ground; said plant to provide in its construction for the housing of not to exceed four hundred (400) men in any one cell block, for the proper hospitalization of said inmates, separate building or ward for the criminally insane, for instructional buildings and facilities, for the employment of said inmates in industrial activities, for the proper segregation of prisoners; said prison plant to be along the lines of the plans submitted to the Texas Prison Centralization Commission by Dr. F. E. Giesecke, college architect of the Agricultural and Mechanical College.

Signed—Beck, McCombs.

Mr. Petsch offered the following substitute for the amendment:

Substitute for amendment to House bill No. 2: Strike out all below the enacting clause of the bill, and substitute therefor the following:

Section 1. There is hereby created a Commission of five persons, consisting of the Governor of the State of Texas, the Attorney General of Texas, the Commissioner of the General Land Office of Texas, the Lieutenant Governor of Texas and the Speaker of the House of Representatives of Texas, which Commission shall be called the "Texas Prison Reform Commission," and shall be hereinafter referred to as the Commission. Said Commission is created for the purpose of the construction of a new and modern prison plant and the purchase of land therefor, as hereinafter provided.

Sec. 2. The said Commission shall purchase for the new prison site approximately one thousand (1000) acres of land, which land shall be located within approximately seventy-five (75) miles of the Capitol of Texas. Said land shall be so situated as to make available for the use of the said prison system adequate transportation facilities both by railroad and highway, also available for said system adequate elec-

trical and gas facilities; also available gravel and sand deposits and rock quarries. Such location shall also be where there are available sufficient agricultural and grazing lands to permit the growing of vegetables on a large scale and the conduct of a dairy adequate to supplying all dairy products to the prison system and the eleemosynary institutions, and where there is adequate water supply; and the Commission is hereby directed to concentrate its farming operations on or about the Imperial Farm and to construct adequate facilities for such purposes.

Sec. 3. Said Commission shall construct a modern fireproof penitentiary plant on the unit plan, sufficient for the needs of the penitentiary system of Texas, as hereinafter provided, and shall provide same with all needed equipment; said plant shall be of sufficient size to house not less than fifteen hundred (1500) prisoners, and shall contain within its walls approximately fifty (50) acres of ground; said plant to provide in its construction for the housing of not to exceed four hundred (400) men in any one cell block, for the proper hospitalization of said inmates, separate building or ward for the criminally insane, for instructional buildings and facilities, for the employment of said inmates in industrial activities, for the proper segregation of prisoners; said prison plant to be along the lines of the plans submitted to the Texas Prison Centralization Commission by Dr. F. E. Giesecke, college architect of the Agricultural and Mechanical College.

Sec. 4. For the purpose of establishing and erecting said prison plant the said Commission is authorized and directed to use such convict labor as may be practicable in the erection of said buildings, and in the performance of such other labor as needed in the establishing and erecting of said plant; and the Texas Prison Board shall, upon requisition by said Commission, furnish such convict labor; said Texas Prison Board, however, shall see to the transportation, guarding, feeding and entire management and control of said prison labor, the Commission having authority merely to instruct as to the work to be done.

Sec. 5. Upon the completion of said prison plant, same shall be turned over to the management and control of the Texas Prison Board; and nothing in this act shall be construed to interfere with the management and control of the prison system of this State as now

vested in said Prison Board, but during the erection of said plant as herein authorized and provided for said Prison Board shall have complete control of the treatment, feeding, clothing and management of the prisoners of said system, save and except it is authorized and directed, as herein provided, to furnish all the prison labor available for the construction of said plant, as requisitioned by said Commission.

Sec. 6. Said Commission shall, as a part of said prison plant, construct such buildings for industrial activities and vocational training as shall be recommended by the Prison Board, it being contemplated that there shall be provided facilities for the manufacturing and production of such merchandise and other needs of the inmates of the eleemosynary institutions and the prison system, and the various departments and institutions of the government as may be found practicable, and in which production and manufacturing the prison labor may be adapted.

Sec. 7. Said Commission shall enter into no contracts for the purchase of land for use as a site for the prison plant herein authorized to be constructed without first having advertised in the Austin American, a daily newspaper, daily for at least three weeks prior to the opening of offers of sites the day and hour when sealed offers will be received; said Commission, however, shall not be required to accept any offer tendered, but may, in like manner as in the first instance, advertise again for offers; and all offers made to said Commission shall be preserved and filed with the Board of Control and be available for inspection of the public.

Sec. 8. Said Commission shall make no contracts of any kind involved in the construction of said prison plant, or for material or any equipment or labor therefor (except prison labor), without first advertising in four daily papers published in different cities of Texas the day and hour when sealed bids will be opened; such advertisements to also give the specifications of the material, equipment and labor desired, and require such guarantee deposit as to the Commission shall seem proper, to accompany each bid; said Commission, however, shall be authorized to reject all bids received pursuant to the advertisement, and shall be authorized to readvertise in like manner as in the first instance; final letting of any contract to be to the lowest bidder.

Sec. 9. Said Commission shall have the power to do any act necessary and

required for the performance of any duty imposed or required in the carrying out of the duties imposed upon it by this act; and shall have authority to call upon any institution or department of the State for assistance, aid or information in any manner pertaining to the said relocation, purchase of a site therefor, completion of said plant and the plans therefor, and all institutions and departments of the State of Texas are hereby required to furnish such aid and information as may be demanded by the said Commission.

Sec. 10. If there should be no offers of a suitable prison site at a price thought by the Commission to be fair and reasonable, the said Commission is hereby given the right of eminent domain as provided by law for railroads, and they may proceed to condemn any property desired in the manner as authorized by law in such cases.

Sec. 11. It is further provided that the prison plant in the city of Huntsville, and the prison buildings in the corporate limits of the city of Huntsville, Walker county, Texas, if useful to the Sam Houston State Teachers College, located at Huntsville, Texas, for the conversion into school properties, and, if desired by said college, shall not be sold by the Commission, but shall be conveyed in like manner as lands of the system are authorized to be conveyed, but free of cost to the college, to that institution for such use and purpose as it may desire to make of same.

Sec. 12. The State Board of Control and the State Highway Commission are each hereby authorized to make contracts with the State Prison Board for the purchase of supplies and equipment, materials and labor for use by the Highway Department or other State institutions and departments, including food, supplies, clothing, shoes, metal utensils and appliances, furniture and fixtures, printing, bookbinding, rock, crushed stone, gravel, sand and any and all other supplies, grown, quarried, preserved, processed or manufactured, and for labor, for use of the State, for the consumption or the use of any of the State's departments, commissions, boards, offices, eleemosynary or educational institutions, it being intended hereby to authorize the Board of Control or the Highway Commissioner to deal with the State Prison Board and acquire from it any supplies, material or labor of any kind or character which the State Highway Department or the Board of Control is now authorized to procure from any source; and particu-

larly is the State Highway Department given authority to contract with the State Prison Board for the manufacture, sale and delivery to it of materials and labor for use and construction of the State highways and highway appurtenances; and when material or labor or supplies of any kind or character useful or usable by the Highway Department or the Board of Control for any of the departments or institutions of the State are tendered to said Highway Commission or State Board of Control by the Prison Board and the Highway Commission or the Board of Control are in need of such supplies or such labor, then it is made the duty of said Highway Commission and the State Board of Control to purchase the supplies and use the labor tendered by the said Prison Board; the prices to be paid for same to be not greater than the prices paid for purchases last made by it of supplies or labor of the same or similar kind.

Sec. 13. The Commission shall construct, for the use of the Prison Board for the housing of the prisoners while being used in the construction of the new prison, such temporary buildings, outhouses and equipment and construction necessary for the protection of the prisoners as may be required by the Prison Board, and the appropriations herein made are available for the cost of said construction. Prison labor shall be used as far as possible in the construction of said temporary buildings, and the Prison Board shall transfer from the present prison properties all furnishing, fixtures and equipment available and practicable for use in the said temporary quarters.

Sec. 14. Said Commission is hereby expressly vested with the right of eminent domain for the purpose of acquiring any real estate desired for the purposes herein specified by condemnation proceedings to be exercised in the same manner, under the rules and regulations as provided by law for railroad companies.

Sec. 15. Title to land purchased for the State prison system, all contracts made by the Commission for the purchase of land, or in connection with any construction contracted for by said Commission, shall be approved by the Attorney General, as shall all contracts made by the Prison Board with the Board of Control; and title to all land acquired shall be taken in the name of and to the State of Texas.

Sec. 16. The Texas Prison Board, in its recommendations to the Commission



for the purchase of machinery and equipment, for the employment of prisoners in the new prison plant, shall undertake to do so in the light of the experience of other self-supporting, modern prison plants, and to provide for the utilization and employment of prison labor in useful employment, and particularly in those directions necessary to produce the supplies and needs for all inmates of the State prison, of inmates of the eleemosynary institutions of the State, and for the needs of all the institutions and departments of the State government, as indicated by the purchases heretofore made therefor, and in keeping with the activities engaged in by all said departments and institutions. It being especially directed that all prisoners possible be used within the walls of the central prison plant, or adjacent thereto, and that the farming activity of the system be limited to the use of prisoners to the extent of agricultural requirements the prison properties demand, the needs of State institutions for food and dairy products, and to the extent needed in order to furnish employment to prisoners whose employment cannot be provided for within the walls of the prison system and adjacent thereto.

Sec. 17. When the new prison herein provided for has been constructed and taken over by the Prison Board for use by the penitentiary system, all persons sentenced to the penitentiary of Texas shall first be taken to said prison, and shall there be examined and classified as now provided by law, and thereafter either kept in said prison and used in the industries there conducted or transferred to the prison farms or otherwise employed in prison activities as directed by the prison management in accordance with the needs of said prison system and in keeping with the fitness, suitability and needs of said prisoner.

Sec. 18. The building or ward erected within the walls of said prison plant for the criminal insane shall be used for the incarceration of all persons against whom indictments have been returned, or who have been convicted of crime and sentenced to the penitentiary, but who have been adjudged insane; and all such persons shall not hereafter be sent to any of the State institutions for the treatment of the insane, but shall be sent to the penitentiary and incarcerated in the building or ward constructed as herein provided for the criminal insane, and shall be subject to the rules, regulations and treatment provided by the prison system for such criminal insane.

Sec. 19. The said Commission is authorized to engage the services of engineers, prison architects and other experts and clerical help as it may deem necessary or advisable, and the salaries, fees and expenses of all of said employes, together with all expenses incurred by the members of said Commission in carrying out the provisions of this act, shall be paid upon sworn accounts countersigned by the chairman or secretary, upon which sworn account the Comptroller of Public Accounts shall draw his warrant and same shall be paid by the Treasurer of the State of Texas.

Sec. 20. The sum of five hundred thousand dollars (\$500,000), or so much thereof as may be necessary, available during the fiscal year ending August 31, 1931, and five hundred thousand dollars (\$500,000) during the fiscal year ending August 31, 1932, are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated for carrying out the provisions of this act.

Sec. 21. The fact that our present prison system is wholly inadequate for the needs of this State, that its farms are scattered, that the main penitentiary is antiquated, that the prisoners have been mistreated and abused under the present system, that reformatory measures are practically impossible, and the further fact that under said system the State of Texas is yearly losing approximately a million dollars, which the taxpayers of the State are compelled to pay, and the further fact that it is imperative that the State prison system be reorganized and modernized as speedily as possible, in order to protect the people of Texas from the menace of escaping criminals and the criminally inclined generally, and to prevent the constant drain on the public treasury of this State the present system entails, creates an emergency and an imperative public necessity, demanding that the constitutional rule requiring measures to be read upon three several days in each house be suspended, and the same is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Signed—Wallace, Petsch, Rountree, DeWolfe, Purl.

Question—Shall the substitute amendment be adopted?

RECESS.

On motion of Mr. Kayton, the House,

at 12 o'clock m., took recess to 2 o'clock p. m. today.

#### AFTERNOON SESSION.

The House met at 2 o'clock p. m., and was called to order by the Speaker.

#### HOUSE BILL NO. 2 ON PASSAGE TO ENGROSSMENT.

The House resumed consideration of pending business, same being House bill No. 2, relative to relocating the penitentiary system, on its passage to engrossment, with amendment by Mr. Beck and substitute by Mr. Petsch for the amendment, pending.

(Pending consideration of the amendments, Mr. Kemble occupied the chair temporarily.)

(Speaker in the chair.)

Mr. Johnson of Dimmit moved that the House recess until 9:30 o'clock a. m. tomorrow.

Yeas and nays were demanded, and the motion was lost by the following vote:

Yeas—47.

Acker.	Kincaid.
Allred.	Lee.
Anderson.	Lemens.
Baker.	Marks.
Chastain.	Mehl.
Coltrin.	Montgomery.
Cox of Lamar.	Mullally.
Enderby.	Nicholson.
Farrar.	Pool.
Gates.	Pope of Jones.
Gilbert.	Richardson.
Harding.	Riley.
Harper.	Rountree.
Harrison.	Savage.
Heaton.	Shelton.
Holder.	Simmons.
Hopkins.	Storey.
Hubbard.	Tillotson.
Johnson	Van Zandt.
of Dallam.	Walters.
Johnson	West.
of Dimmit.	Williams
Johnson of Smith.	of Hardin.
Jones.	Williams
Kayton.	of Travis.
Keeton.	

Nays—75.

Ackerman.	Beck.
Adkins.	Bond.
Albritton.	Bounds.
Avis.	Bradley.
Baldwin.	Brice.
Barnett.	Brooks.
Bateman.	Carpenter.

Cox of Limestone.	Morse.
Davis.	Murphy.
Dunlap.	Negley.
Duvall.	Olsen.
Eickenroht.	Palmer.
Forbes.	Patterson.
Fuchs.	Pavlica.
Giles.	Petsch.
Graves	Pope of Nueces.
of Williamson.	Purl.
Graves of Erath.	Quinn.
Hardy.	Reader.
Harman.	Renfro.
Hogg.	Rogers.
Johnson of Scurry.	Shaver.
Justiss.	Sherrill.
Keller.	Sinks.
Kennedy.	Snelgrove.
King.	Speck.
Kinnear.	Stephens.
Land.	Stevenson.
Long of Wichita.	Tarwater.
Loy.	Turner.
Magee.	Warwick.
Mankin.	Webb.
Martin.	Westbrook.
McCombs.	Wiggs.
McDonald.	Williams
McGill.	of Sabine.
Metcalf.	Woodruff.
Minor.	Young.
Moore.	

Absent.

Mr. Speaker.	Mosely.
DeWolfe.	O'Neill.
Hefley.	Ray.
Hines.	Reid.
Hornaday.	Sanders.
Jenkins.	Thompson.
Kemble.	Veatch.
Mauritz.	Waddell.
Maynard.	

Absent—Excused.

Conway.	Long of Houston.
Ewing.	McKean.
Finn.	Prendergast.
Finlay.	Strong.
Kenyon.	Wallace.

RECESS.

On motion of Mr. Beck, the House, at 5:15 o'clock p. m., took recess to 9:35 o'clock a. m. tomorrow.

#### NINTH DAY.

(Continued.)

(Thursday, February 6, 1930.)

The House met at 9:35 o'clock a. m., and was called to order by Speaker Barron.